C-F 100-0

IN THE HIGH COURT OF JUDICATURE AT BILASPUR (C.G.)

WRIT PETITION NO. 229 OF 2001

BETWEEN

Moti Ram S/o Budhwa Ram aged about 45 years, R/o Village Botnidand Block Kunkuri District Jashpur.

PETITIONER

A N D

1. The State of Chhattisgarh, through the Secretary Department of Forest, D.K. Building, Mantralay, RAIPUR.

2. Sub Divisional Officer(Forest) cum Prescribed Authority, Upper Ghat Forest Sub Division, Jashpur Nagar, (Chhattisgarh).

RESPONDENTS

WRIT PETITION UNDER ARTICLES 226/227 OF THE CONSTITUTION OF INDIA

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक W.P. 1229/2001 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

18.9.2001 :

Mr.Prashant Mishra for the petitioner.

Mr.Deep Kesharwani for the respondents.

The matter relates to seizure of tractor trolley bearing registration No. M.P. 26-E-3588. The date of occurance is 23.5.2001. The said tractor was seized when it was transporting certain logs belonging to one Budhibai,a widow. It is contended that the writ petitioner had filed representation before the competent authority on 11.6.2001. The same representation is still pending before the learned S.D.O. In fact the petitioner has aproached this court on failure to get necessary remedy from the learned SDO. The petitioner seeks a direction for release of the tractor.

Mr. Kesharwani states that entire matter should be determined by the competent authority and that this Court at this stage may not interfere with the proceedings pending before the learned S.D.O. ,

Mr.Prashant Mishra submits that at least this Court may direct interim release of the said tractor.

On perusal of the pleadings and after hearing

[पीछे देखिये

आदेश पत्रक (पुर्वानुबद्ध)

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

counsel for the parties I am of the view that in deed this matter should be determined by the competent authority.

In the result, this petition is disposed of with a direction that the competent authority should immediately on receipt of this order decide the entire matter on the basis of representation pending before it including the question of interim or final release of the tractor in question. Shri Mishra submits that prayer of the writ petitioner for interim release should ~~actually~~ immediately be decided by the compten authority. I would only say that it is for the competent authority to consider any prayer interim or final. The matter should be decided not later than 1 month from the date of receipt of this order.

Sd/-
Chief Justice

J